

Law Offices

HOLLAND & KNIGHT LLP

131 South Dearborn Street, 30th Floor
 Chicago, Illinois 60603
 312-263-3600
 FAX 312-578-6666

Atlanta
 Boston
 Bradenton
 Chicago
 Fort Lauderdale
 Jacksonville
 Lakeland
 Los Angeles
 Melbourne
 Mexico City
 Miami
 New York

Northern Virginia
 Orlando
 Providence
 San Antonio
 San Francisco
 Seattle
 St. Petersburg
 Tallahassee
 Tampa
 Tokyo
 Washington, D.C.
 West Palm Beach

International Offices
 Buenos Aires*
 Mexico City
 *Representative Offices

Tel Aviv*
 Tokyo

FACSIMILE

TO:

Office of Petitions
 NAME

United States Patent and Trademark Office
 COMPANY/FIRM

Alexandria
 CITY

Virginia
 STATE

571-273-0025
 FAX NUMBER

TELEPHONE NUMBER
 FROM:

Todd S. Parkhurst
 NAME

312-578-6694
 TELEPHONE NUMBER

24

TOTAL NUMBER OF PAGES (Including Cover Sheet)

MESSAGE:

Application Serial No. : 09/909,630
Inventor: Yakov Kamen et al

FOR THE RECORD:

DATE: November 9, 2005

FAXED BY: S. Marion AMOUNT:

3021944_v4

If you did not receive all of
 the pages or find that they
 are illegible, please call

(312) 578-6667 **FAX RECEIVED**

NOV 09 2005

OFFICE OF PETITIONS**CONFIDENTIALITY NOTICE:**

This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is **STRICTLY PROHIBITED**. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assignee: Eagle New Media

Application No. 09/909,630

Filing Date: July 19, 2001

Confirmation No. 9979

First Named Applicant: Yakov Kamen

Docket No.: 091451.00146

Invention: METHOD AND SYSTEM FOR MODIFICATION OF EPG OBJECT ATTRIBUTES

**PETITION TO REVIVE UNAVOIDABLY
ABANDONED APPLICATION UNDER 37 CFR §1.137(a)**

**Commissioner for Patents
Mail Stop Petition
P. O. Box 1450
Alexandria, Virginia 22313-1450**

FAX RECEIVED

NOV 09 2005

OFFICE OF PETITIONS

S I R:

This is a Petition to Revive an Unavoidably Abandoned Application and to accept a Response to Office Action (a copy of which is attached) that was due on October 19, 2004.

Delay Unavoidable

The abandonment of the above-captioned patent application was unavoidable. I, Todd S. Parkhurst, am the attorney for Assignee, Eagle New Media. An Office Action was mailed to the attorney of record at the time, Robert J. Depke, and my firm, Holland & Knight LLP, on July 19, 2004. Robert J. Depke and Todd S. Parkhurst continuously maintained an electronic docketing system to ensure timely responses to USPTO correspondence. In this case, a Response to the Office Action, Amendment B, was prepared and filed by Holland & Knight LLP on January 19, 2005 with a three month extension of time and the requisite fee, (See Exhibit 1) Additionally, the Response to the Office Action was filed with a duly executed Certificate of Mailing specifying that the Response was deposited with the United

States Postal Office on January 19, 2005. (*See Exhibit 2*). Significantly, we received the return postcard stamped by the OIPE at the Patent and Trademark Office, a copy of which is attached as *Exhibit 3*. In fact, a copy of the USPTO records indicates that the Response was received by the Patent & Trademark Office on January 24, 2005; however, it was not forwarded to the Examiner until October 21, 2005. (*See Exhibit 4*) Consequently, the Response was filed in a timely manner, but an inadvertent error in the USPTO resulted in a delayed transmission to the Examiner.

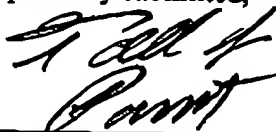
We became aware of the purported lack of Response to the Office Action on September 29, 2005 when we received a Notice of Abandonment from Examiner Antonio A Caschera. Thereafter, we diligently telephoned Examiner Caschera and faxed a copy of the post card to him so as to determine whether we would need to file this petition to revive or whether the status could simply be changed by the USPTO. After checking with his supervisor, Examiner Caschera indicated that we would indeed need to file a Petition to Revive but would not incur any fees. It is submitted that reasonable care was taken to ensure that a timely response was sent to the USPTO. This Petition to Revive has been promptly filed after learning of the expiration of the term to respond to the Office Action.

Fees

Examiner Caschera stated that no fee need be filed with this petition under 37 CFR 1.137(a). However, authorization is hereby made to charge Deposit Account No. 50-1794 any additional fees required by this petition or credit any overpayment in the matter to Deposit Account No. 50-1794.

A duplicate of this petition is attached.

Respectfully submitted,



Date: November 9, 2005

(Att. Reg. No. 26,494)

Todd S. Parkhurst

HOLLAND & KNIGHT LLP

131 S. Dearborn St., 30th Floor

Chicago, IL 60603

(312) 236-3600

Attorney for Assignee

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent via facsimile to the attention of:
Office of Petitions, United States Patent and Trademark Office at facsimile # (571) 872-9306
on November 8, 2005.

9
9
Date: November 8, 2005


Attorney for Applicant

3367483_v1